

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Altria Group, Inc.
Plaintiff

SUMMONS IN A CIVIL ACTION

V.

The United States of America
Defendant

CASE NUMBER:

08 CV 3144

TO: (Name and address of Defendant)

Michael J. Garcia, United States Attorney
U.S. Attorney's Office for the Southern District of New York
86 Chambers Street
New York, NY 10007

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Lawrence A. Dany III
Sutherland Asbill & Brennan LLP
1114 Avenue of the Americas, 40th Floor
New York, NY 10036

an answer to the complaint which is served on you with this summons, within 60 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAR 27 2008

CLERK

Marcos Quintero

DATE

(By) DEPUTY CLERK

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Altria Group, Inc.,

Plaintiff,

v.

The United States of America,

Defendant.

Case No. 08-cv-3144

AFFIDAVIT OF SERVICE

STATE OF NEW YORK }
 } ss.:
COUNTY OF NEW YORK }

APRIL McELWEE, being duly sworn, deposes and says:

Deponent is not a party to the action, is over the age of 18 years and resides in New York.

That on the 27th day of March, 2008, deponent served the attached SUMMONS WITH COMPLAINT upon the following, via certified mail, by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

MICHAEL J GARCIA
United States Attorney
U.S. Attorney's Office for the Southern District of New York
86 Chambers Street
New York, NY 10007

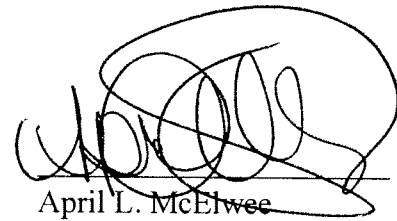
THE HONORABLE MICHAEL B. MUKASEY
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

DOUGLAS SHULMAN
Commissioner
Internal Revenue Service
1111 Constitution Avenue, N.W.

Washington, DC 20224

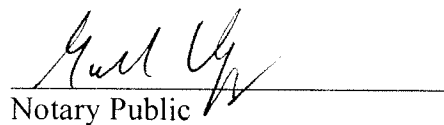
FRANK Y. NG
LMSB Commissioner
Internal Revenue Service
1111 Constitution Avenue, N.W.
Attn: SE:LM
Washington, DC 20224

Dated: March 27, 2008
New York, New York



April L. McElwee

Sworn to and subscribed
before me, Notary, this 27th day
of March 2008.



Notary Public

GUILLERMO VAZQUEZ
Notary Public, State of New York
No. 01VA6080415
Qualified in New York County
Commission Expires Sept. 16, 2010